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IN THE

SUPREME COURT OF THE UNITED STATES.

NOS. 2, 3 AND 4, ORIGINAL.

OCTOBER TERM, A. D. 1956.

STATES OF WISCONSIN, MINNESOTA, OHIO and PENNSYLVANIA, Complainants, vs. STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, Defendants.	No. 2, Original.
STATE OF MICHIGAN, Compl inant, vs. STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al., Defendants.	No. 3, Original.
STATE OF NEW YORK, Complainant, vs. STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al., Defendants.	No. 4, Original.

ANSWER

Of State of Missouri to Petition of State of Illinois and to Motion of Metropolitan Sanitary District of Greater Chicago.

JOHN M. DALTON,
Attorney General of the State of Missouri,
Supreme Court Building,
Jefferson City, Missouri,
Attorney for State of Missouri.

St. Louis Law Printing Co., 415 North Eighth Street. CEntral 1-4477.

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ANSWER

Of State of Missouri to Petition of State of Illinois and to Motion of Metropolitan Sanitary District of Greater Chicago.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States:

May It Please the Court:

The State of Missouri, an intervening defendant in this cause, for answer to the petition of the State of Illinois seeking modification of the decree of this Court entered on April 21, 1930, recognizing the existence of emergency drought conditions in the Mississippi Valley and the consequent detrimental effects of such conditions to navigation on the Mississippi River and the Illinois Waterway, inter-

poses no objection to the relief prayed by the State of Illinois if it appears to this Court that modification of the decree of April 21, 1930, is justified or necessary.

The State of Missouri does join in the motion of the Metropolitan Sanitary District of Greater Chicago in requesting clarification of the decree of April 21, 1930, because of the construction apparently placed on such decree by the Secretary of the Army, as indicated by his reply to the petition of the Governor of Illinois.

A study of the background cases on this subject, as set out in the motion of the Metropolitan Sanitary District of Greater Chicago, does not indicate that it was ever the intention of the Supreme Court to deny to Congress or those delegated by it, i. e., the Secretary of the Army upon recommendation of the Chief of Engineers, the authority to determine when and how much diversion of water from the Great Lakes-St. Lawrence Watershed into the Mississippi Valley Watershed should be permitted for **navigation purposes.**

Wherefore, the State of Missouri respectfully adopts the motion of the Metropolitan Sanitary District of Greater Chicago and joins with it in requesting clarification of the decree of April 21, 1930, so as to make it clear that the limitations prescribed therein apply only to diversions for **sanitation purposes** and not to diversions for **navigation purposes.**

Respectfully submitted,

STATE OF MISSOURI,
By: JOHN M. DALTON,
Attorney General of the State of Missouri,
JOHN W. INGLISH,
Assistant Attorney General,
Supreme Court Building,
Jefferson City, Missouri.

State of Missouri, }
County of Cole. } ss.

The undersigned, John W. Inglish, being first duly sworn, deposes and says that he is a duly appointed and acting Assistant Attorney General of the State of Missouri and that the matters and things herein set forth are true in substance and in fact. Deponent further certifies that copies of the foregoing Answer have this day been mailed by first class United States mail, or United States air mail, to all parties to this proceeding, such service has been addressed, sufficient postage prepaid, as follows:

Hon. Latham Castle,
Attorney General,
Suite 900,
160 No. La Salle Street,
Chicago 1, Illinois.

Hon. T. J. Gentry,
Attorney General,
State Capitol,
Little Rock, Arkansas.

Hon. Herbert Cohen,
Attorney General,
State Capitol,
Harrisburg, Pennsylvania.

Hon. Jo M. Ferguson,
Attorney General,
State Capitol,
Frankfort, Kentucky.

Hon. Nat Tipton,
Advocate General,
State Supreme Court Bldg.,
Nashville, Tennessee.

Hon. Joe T. Patterson,
Attorney General,
State Capitol,
Jackson, Mississippi.

Hon. Russell W. Root,
Attorney for The Metropolitan
District of Greater Chicago,
100 East Erie Street,
Chicago 11, Illinois.

Hon. Miles Lord,
Attorney General,
State Capitol,
St. Paul 1, Minnesota.

Hon. C. William O'Neill,
Attorney General,
State Capitol,
Columbus, Ohio.

Hon. Thomas M. Kavanagh,
Attorney General,
State Capitol,
Lansing, Michigan.

Hon. Jack P. F. Gremillion,
Attorney General,
State Capitol,
Baton Rouge 4, Louisiana.

Hon. Vernon W. Thomson,
Attorney General,
State Capitol,
Madison, Wisconsin.

Hon. Jacob K. Javits,
Attorney General,
State Capitol,
Albany, New York.

.....

Subscribed and sworn to before me this.....day of December, A. D. 1956.

.....
Notary Public.

My commission expires.....